

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

211

CRM-M-11930-2023 (O&M)

Date of decision: 12.04.2023

SAGAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Sharma, Advocate for
Ms. Navneet Kaur, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.188 dated 25.09.2022, under Section 379 of the Indian Penal Code, 1860 registered at Police Station Amargarh District Malerkotla.

On 10.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 CrP.C for grant of pre-arrest bail to the petitioner in case FIR No.188 dated 25.09.2022, registered under Sections 379 of IPC at Police Station Amargarh District Malerkotla

Learned counsel contends that the petitioner is falsely implicated in the case. There is also an unexplained delay of 9 days in lodging of the FIR. There is no attribution to the petitioner of having stolen the battery in question but the same is to the co-accused. Motor-cycle in question is not in the ownership of the petitioner. He is not involved in any other case. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Kamalpreet Bawa AAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 17.03.2023. In the event of arrest of

the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 12.04.2023.”

Learned counsel for the petitioner submits that in pursuance of order dated 10.03.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Sukhchain Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 10.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

April 12, 2023

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>